

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NATHAN W. CLOUSER,	:	CIVIL ACTION NO. 1:12-CV-1870
Plaintiff	:	
	:	(Judge Conner)
v.	:	
	:	
TODD JOHNSON, et al.,	:	
Defendants	:	

ORDER

AND NOW, this 11th day of July, 2013, upon consideration of the Report and Recommendation of United States Magistrate Judge Susan E. Schwab (Doc. 37), recommending that (1) the motion to dismiss filed by Defendants Goshert and Vogel (Doc. 17) be granted in part and denied in part, and (2) the motion to dismiss filed by Defendant Johnson (Doc. 28) be granted in part and denied in part, and, following an independent review of the record, and noting that Plaintiff filed objections¹ to the report (Doc. 42) on June 26, 2013, and the court finding Magistrate Judge Schwab's analysis to be thorough and well-reasoned, and the court finding the objections to be without merit and squarely addressed by Magistrate Judge Schwab's report (Doc. 37), it is hereby ORDERED that:

¹ Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Magistrate Judge Schwab (Doc. 37) are ADOPTED.
2. The motion to dismiss filed by Defendants Goshert and Vogel (Doc. 17) is GRANTED in part and DENIED in part as follows:
 - (a) All claims against Defendant Goshert are DISMISSED.
 - (b) All claims against Defendant Vogel, except the Sixth Amendment claim, are DISMISSED.
3. The motion to dismiss filed by Defendant Johnson (Doc. 28) is GRANTED in part and DENIED in part as follows:
 - (a) The Fifth Amendment and substantive due process claims against Defendant Johnson are DISMISSED.
4. The above-captioned case is REMANDED to Magistrate Judge Schwab for further proceedings.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge